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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,043	12/17/2001	David E. McDysan	RIC01059	5663

25537 7590 05/13/2005

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TECHNOLOGY LAW DEPARTMENT
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EXAMINER

GYORFI, THOMAS A

ART UNIT PAPER NUMBER

2135

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/023,043

Applicant(s)

MCDYSAN, DAVID E.

Examiner

Tom Gyorfi

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 remain for examination. The correspondence filed 4/18/05 added, amended, and cancelled no claims.
2. In view of the amendment filed on 4/18/05, PROSECUTION IS HEREBY REOPENED. New grounds for rejection are set forth below.

Response to Arguments

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Seid et al. (U.S. Patent 5,768,271).

Referring to Claim 1:

Seid discloses a network system that resists denial of service attacks on an access link to a destination host belonging to a virtual private network (VPN), said network system comprising:

one or more egress boundary routers having connections to an access network including the access link (Figs. 1-3), wherein said one or more egress boundary routers transmit intra-VPN traffic from sources within the VPN and extra-VPN traffic from sources outside the VPN within separate access network logical connections for intra-VPN and extra-VPN traffic (Figure 7, and col. 4, lines 1-10); and

a plurality of ingress boundary routers coupled to the one or more egress boundary routers for communication utilizing a network-based VPN protocol that logically partitions intra-VPN and extra-VPN traffic, such that denial of service attacks on said access link originating from sources outside the VPN can be prevented (col. 2, line 56 – col. 3, line 15).

Referring to Claim 9:

Seid discloses a network system, comprising: an access network having an access link to a destination host belonging to a virtual private network (VPN), wherein said access network supports a first logical connection for intra-VPN traffic from sources within the VPN and a second logical connection for extra-VPN traffic from sources outside the VPN (Figure 7, and col. 4, lines 1-10); one or more egress boundary routers having connections to the access network, wherein said one or more egress boundary routers transmit intra-VPN traffic toward the destination host via the first logical connection and transmit extra-VPN traffic toward the destination host via the second logical connection (Fig. 3; col. 8, lines 13-57); a plurality of ingress boundary routers coupled to the one or more egress boundary routers for communication utilizing a

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network-based VPN protocol that logically partitions intra-VPN and extra-VPN traffic (Ibid, and also col. 7, line 62 – col. 8, line 13), such that denial of service attacks on said access link originating from sources outside the VPN can be prevented (col. 3, lines 10-15).

Referring to Claim 16:

Seid discloses a method of protecting an access link to a destination host belonging to a virtual private network (VPN) against denial of service attacks, said method comprising: in an access network including the access link, providing a first logical connection for intra-VPN traffic from sources within the VPN and a second logical connection for extra-VPN traffic from sources outside the VPN (Figure 7, and col. 4, lines 1-10); communicating, from a plurality of ingress boundary routers to one or more egress boundary routers, intra-VPN and extra-VPN traffic destined for said destination host, wherein said intra-VPN traffic and said extra-VPN traffic are transmitted utilizing a network-based VPN protocol that logically partitions intra-VPN and extra-VPN traffic (col. 7, line 62 – col. 8, line 15); transmitting intra-VPN traffic from said one or more egress boundary routers toward the destination host via the first logical connection, and transmitting extra-VPN traffic from said one or more egress boundary routers toward the destination host via the second logical connection (col. 2, line 56 – col. 3, line 15), such that denial of service attacks on said access link originating from sources outside the VPN can be prevented (col. 3, lines 10-15).

Referring to Claim 21:

Seid discloses a method for resisting denial of service attacks on an access link to a destination host included in a VPN, the method comprising the steps of: intra-VPN traffic flowing from sources included in the VPN (Figure 7, and col. 4, lines 1-10); extra-VPN traffic flowing from sources outside the VPN (Ibid); assigning a first priority level to traffic intra-VPN traffic flowing from sources included in the VPN; assigning a second priority level to traffic extra-VPN traffic flowing from sources outside the VPN; and granting, to traffic having the first priority level at the access link, precedence of access to the destination host over traffic having the second priority level (col. 10, lines 40-65; col. 12, lines 20-30).

Referring to Claims 2, 10, and 17:

Seid discloses the limitations of Claims 1, 9 and 16 above. Seid further discloses a Differentiated Services network coupling at least one of the plurality of ingress boundary routers and at least one of the one or more egress boundary routers (Figs. 1-3; observe that there exists a node that is contained within multiple VPNs and must therefore necessarily have the means to differentiate traffic in accordance with the VP-CIRs as described in col. 5, line 62 – col. 6, line 13).

Referring to Claims 3 and 11:

Seid discloses the limitations of Claims 1 and 9 above. Seid further discloses a plurality of customer premises equipment (CPE) edge routers each coupled to a respective one of said plurality of ingress boundary routers (col. 5, lines 40-60).

Referring to Claim 4:

Seid discloses the limitations of Claim 1 above. Seid further discloses further comprising the access network (Figs. 1-3).

Referring to Claims 5 and 12:

Seid discloses the limitations of Claims 4 and 9 above. Seid further discloses a customer premises equipment (CPE) edge router to the access link (col. 5, lines 40-60).

Referring to Claims 6, 13, and 18:

Seid discloses the limitations of Claims 5, 12 and 16 above. Seid further discloses said CPE edge router having a physical port coupled to said access link, said physical port implementing a first logical port for intra-VPN traffic and a second logical port for extra-VPN traffic (Figure 4).

Referring to Claims 7, 14, and 19:

Seid discloses the limitations of Claims 1, 9 and 16 above. Seid further discloses at least one of said plurality of ingress boundary routers implements a plurality of tunnels that logically partition intra-VPN and extra-VPN traffic (column 12, lines 20-30).

Referring to Claims 8, 15, and 20:

Seid discloses the limitations of Claims 1, 9 and 16 above. Seid further discloses said one or more egress boundary routers provide a plurality of different qualities of services to said intra-VPN traffic (col. 5, line 62 – col. 6, line 4).

Conclusion

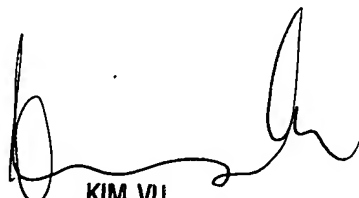
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849.

The examiner can normally be reached on 8:00am - 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG
5/5/05



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